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Family Name						
Given Names						
Student Number						
Teaching Period	Semester 1, 2017					

FINAL EXAMINATION	DURATION						
LWZ114 – Criminal Law	<table> <tr> <td>Reading Time:</td><td>20 minutes</td></tr> <tr> <td>Writing Time:</td><td>180 minutes</td></tr> <tr> <td colspan="2"></td></tr> </table>	Reading Time:	20 minutes	Writing Time:	180 minutes		
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INSTRUCTIONS TO CANDIDATES

Answer TWO questions from section A and THREE questions from section B

EXAM CONDITIONS

You may begin writing from the commencement of the examination session. The reading time indicated above is provided as a guide only.

This is an OPEN BOOK examination

Any calculator is permitted

Any handwritten material is permitted

Any hard copy, English dictionary is permitted (annotated allowed)

ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED
Any printed material with the exception of CDU Library books	1 x 20 Page Book 3 x Scrap Paper

Section A

Problem Questions

Total No of Marks for this section 30:

This section should be answered on the Answer Sheet provided. Please ensure that your name and student number have been written on the Answer sheet and place in the completed answer Booklet.

Marks for each question are indicated.
Suggested Time allocation for Section A: 90 mins

ANSWER ONLY TWO OF THE FOLLOWING QUESTIONS:

Question 1

X and Y are friends. They are both adults and they live in Darwin. X asks Y to collect a package for him from overseas. Y agrees. X says best Y doesn't know what is in package, and pays him \$1000. The package is addressed in Y's name. Y goes to post office and uses his own identification and signature to collect the package. Australian Federal Police arrive at Y's house with a search warrant and recover the package. It had been intercepted and found to have 2kg of cocaine and then tracked to Y's house. You are asked to advise as to the appropriate charge for BOTH X and Y. In writing your legal opinion, discuss the physical and fault elements of your chosen charges and whether the prosecution is able to prove any criminal offences.

(Marks: 15)

Question 2

Two brothers, A and B, decide to spend the day fishing in the Northern Territory. They load a boat with alcohol and set off down the river. They spend the morning spotting crocodiles and catching barramundi. A few hours into the trip, and many beers cans down, they argue. A tells B that their father has written B out of his will. A gloatingly says that he will inherit a valuable house in Darwin but nothing has been bequeathed to B. B becomes angry and picks up a knife. B lashes out at A, yelling that A doesn't know anything. A grabs hold of B's arm and in the course of the struggle, A trips and falls into the water. A manages to get a hold onto the boat's

edge but B kicks his hand off. B moves the boat down the river. A is suddenly taken by a crocodile and killed. Person W was standing by the river's edge and observed the whole event. Person W calls police, who soon arrive and arrest B. B is ultimately charged with A's murder. You are asked to advise B. In writing your legal opinion, discuss the strength of the prosecution case against B, any defences, partial or complete and whether B's intoxication affects his criminal liability or use of defences.

(Marks: 15)

Question 3

D and F are friends. They spend the evening in Darwin watching old episodes of the television drama 'Breaking Bad'. D tells F that she is unhappy at home. Her husband has been having affairs and is violent towards her. They decide to poison D's husband. They "cook" some poison which F injects into a bottle of wine. D's husband brings his boss home and gives him a glass of wine. The boss dies of poisoning. D is assessed as suffering from a mental impairment as a result of the domestic abuse. Both D and F are convicted of murder at trial. You are asked to advise them both on whether they have grounds to appeal. The jury were not directed on manslaughter or the defence of diminished responsibility. In writing your legal opinion, discuss the strengths and weaknesses of the prosecution case and whether they may have grounds to appeal.

(Marks: 15)

Question 4

J and K work together in Darwin. One night they go to a work party and end up back at Z's house where they are left to sleep in the living room. J is given the sofa. K is given a bean bag on the floor. They argue over a blanket and K hits J giving her a black eye and leaves. In the morning J tells Z that she has been vaginally raped by K. She has bruises to her face and to the inside of her thighs. The police are called and K is arrested. K admits the black eye but denies sexual intercourse without consent. He says they had consensual sexual intercourse. You are asked to advise as to the appropriate charge or charges for K. In writing your legal opinion, discuss the physical and fault elements of your chosen charges and whether the prosecution is able to prove any criminal offences.

(Marks: 15)

Section B

Essay Questions

Total Number of Marks for this section: 30

This section should be answered in the Answer Booklet provided.

Marks for each question are indicated. Suggested Time allocation for Section C: 90mins

ANSWER ONLY THREE OF THE FOLLOWING QUESTIONS:

Question 5

Should the presumption that a child aged between 10 and 14 years is incapable of committing a crime be removed?

(Marks: 10)

Question 6

Should there ever be a presumption against bail?

(Marks: 10)

Question 7

Should the partial defence of diminished responsibility be applied in cases other than murder?

(Marks: 10)

Question 8

Discuss the breadth of police powers in relation to arrest in the Northern Territory. How can the criminal justice system ensure that police act within their powers?

(Marks: 10)

Question 9

Discuss the various orders available to the Northern Territory Supreme Court when dealing with some sexual offenders, including at the time of sentencing and post-sentence. Discuss any issues which may arise when balancing risk to the community and an individual's rights.

(Marks: 10)